

## **Special Exceptions**

**"SPECIAL EXCEPTION"** (a.k.a. "Special Use") can be defined as an additional or "special" use of a piece of property over and above the uses that the base zoning already allows.

Special Exceptions must be applied for at the Augusta Planning and Development Department, 525 Telfair Street, Augusta, GA, Monday through Friday, 8:30 a.m. to 5:00 p.m. There is a fee for a Special Exception application and the fee must accompany the application. Fees can be viewed at the Augusta website – Planning & Zoning – General Information ([http://www.augustaga.gov/departments/planning\\_zoning/general\\_info.asp](http://www.augustaga.gov/departments/planning_zoning/general_info.asp)). The owner of the property on which the application is being made must sign the application, although the owner may designate a representative to speak on his behalf at the meeting. The application and fee must be submitted by the first Monday of each month for the next month's meeting, which is also on the first Monday of the month.

The following **Special Exceptions** may be permitted in any Zone where such uses are deemed essential or desirable to the public convenience or welfare and are in harmony with the various elements or objectives of the Comprehensive Plan/Planning Document in effect. All applications for a Special Exception under this subsection shall be accompanied by a preliminary development plan that shows the location of all buildings associated with the proposed use and the number of stories contained in each building. The preliminary development plan must also show the location of all curb cuts, driving lanes, parking areas, and the location of all walls, fences and screen plantings that exist or are planned.

- (a) Church, synagogue, or other place of worship, or their related activities including, but not limited to, the care for fewer than nineteen (19) children under the age of eighteen (18) for not more than four (4) hours per day, subject to the following criteria:
  - (1) A tract upon which a church is to be established shall have at least one hundred (100) feet of frontage on a collector street or an arterial street and be at least one-half acre in area.
  - (2) Structures shall be set back at least twenty-five (25) feet from any property line separating the subject property from residentially zoned or developed properties.
  - (3) Off-street parking shall conform to Section 4 of this Ordinance.
  - (4) DELETED.
  - (5) A plan illustrating compliance with the above requirements shall be submitted to the Planning Commission before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed church are greater than any possible depreciating effects and damages to the neighboring properties.
- (b) Parochial and private schools subject to the following criteria:

- (1) A tract upon which a parochial or private school is to be established shall have at least one-hundred (100) feet of frontage on a collector street or an arterial street.
  - (2) A circular drive or similar layout that discourages backing and encourages through movement of traffic shall be provided for off-street loading and unloading, and the parking layout shall conform to Section 4 of this Ordinance.
  - (3) A parochial or private school shall be screened from contiguous residentially zoned or developed properties by a wall, solid fence, or vegetative buffer at least six (6) feet in height.
  - (4) Signage shall comply with the SCA requirements for institutional uses.
  - (5) A plan illustrating compliance with the above requirements shall be submitted to the Staff of the Augusta Planning and Development Department before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed school are greater than any possible depreciating effects and damages to the neighboring properties.
- (c) Utility substation subject to the following criteria:
- (1) Use of the property as a substation shall be essential for service to the area in which the substation is to be located.
  - (2) A tract upon which a utility substation is to be erected shall have frontage on a collector or arterial street.
  - (3) No personnel shall be assigned to the site; the utility shall be unmanned.
  - (4) Outside storage of vehicles, equipment, and supplies on the premises shall not be permitted.
  - (5) If the base zoning is agricultural, residential, or professional, then any building or structure which exceeds 25 feet in height when measured from ground elevation shall be set back not less than fifty (50) feet from any property line.
  - (6) DELETED.
  - (7) A substation shall be screened from contiguous residentially zoned or developed properties by a wall, solid fence, or vegetative buffer at least six (6) feet in height.
  - (8) A plan illustrating compliance with the above requirements shall be submitted to the Staff of the Augusta Planning and Development Department before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed utility substation are greater than any possible depreciating effects and damages to the neighboring properties.
- (d) Nursing home subject to the following criteria:
- (1) A tract upon which a nursing home is to be established shall have at least one hundred (100) feet of frontage on a collector or an arterial street.
  - (2) DELETED.
  - (3) Off-street parking shall conform to Section 4 of this Ordinance.

- (4) Nursing homes shall not be located in areas where the health, safety, and welfare of the residents would be compromised. Examples of such areas would be those near industrial sites or other sites where environmental quality would be poor, and also areas where law enforcement records indicate that the incidence of crime is high.
  - (5) A plan illustrating compliance with the above requirements shall be submitted to the Staff of the Augusta Planning and Development Department before the proposal is placed on the agenda. The Planning Commission shall determine that all of the requirements have been satisfied, and further, that the benefits of the proposed nursing home are greater than any possible depreciating effects and damages to the neighboring properties.
- (e) Adult day care facility subject to the following criteria:
  - (1) A tract upon which an adult day care facility is to be established shall have at least one hundred (100) feet of frontage on a collector or an arterial street.
  - (2) Off-street parking shall conform to Section 4 of this Ordinance.
  - (3) An adult day care facility may not be established within twelve hundred (1200) feet of a lawfully existing family day care home, family personal care home, transition housing, or another adult day care facility located in A, R or P zones.
  - (4) Adult day care facilities shall not be located in areas where the health, safety, and welfare of the residents would be compromised. Examples of such areas would be those near industrial sites or other sites where environmental quality would be poor, and also areas where law enforcement records indicate that the incidence of crime is high.
  - (5) DELETED.
  - (6) A plan illustrating compliance with the above requirements shall be submitted to the Staff of the Augusta Planning and Development Department before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed adult day care facility are greater than any possible depreciating effects and damages to the neighboring properties.
- (f) Family day care home subject to the following criteria:
  - (1) A family day care home may not be established within twelve hundred (1200) feet of a lawfully existing family personal care home, transition housing, adult day care facility, or another family day care home located in A, R or P zones.
  - (2) There shall be adequate indoor and outdoor play areas to meet Georgia DHR standards. Outdoor play areas shall be designed for daytime use only with no special illumination, and they shall be screened from contiguous residential zones or development by a solid fence, wall or vegetative buffer at least six (6) feet in height.
  - (3) Parking shall conform to Section 4 of this Ordinance.
  - (4) DELETED.

- (5) Family day care homes shall not be established in areas where the health, safety, and welfare of the residents would be compromised. Examples of such areas would be those near industrial sites or other sites where environmental quality would be poor, and also areas where law enforcement records indicate that the incidence of crime is high.
  - (6) A plan illustrating compliance with the above requirements shall be submitted to the Staff of the Augusta Planning and Development Department before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed family day care home are greater than any possible depreciating effects and damages to the neighboring properties.
- (g) Transition housing subject to the following criteria:
  - (1) Transition housing may not be established within twelve hundred (1200) feet of a lawfully existing family personal care home, family day care home, adult day care facility, or other transition housing in A, R or P zones.
  - (2) DELETED.
  - (3) Transition housing shall not be located in areas where the health, safety, and welfare of the residents would be compromised. Examples of such areas would be those near industrial sites or other sites where environmental quality would be poor, and also areas where law enforcement records indicate that the incidence of crime is high.
  - (4) The Planning Commission shall determine that the foregoing requirements have been satisfied, and further, that the benefits of the proposed transition housing are greater than any possible depreciating effects and damages to neighboring properties. In conducting this balancing test, the merit of the specific proposal shall be determined by evaluating the nature of the clientele (i.e. elderly, mentally retarded, halfway home for recovering addicts, etc.) the proposed number of occupants, and the nature of the operators of the facility (homeowners, professional staff, or untrained supervisory staff, etc.).
  - (5) Approval, if granted shall be for a specific proposal, and any change in the nature of the clientele or increase in the number of occupants shall require another special exception.
- (h) Family personal care home subject to the following criteria:
  - (1) A family personal care home may not be established within twelve hundred (1200) feet of a lawfully existing family day care home, adult day care facility, transition housing, or another family personal care home in A, R, or P zones.
  - (2) DELETED.
  - (3) A family personal care home shall not be located in areas where the health, safety, and welfare of the residents would be compromised. Examples of such areas would be those near industrial sites or other sites where environmental quality would be poor, and also areas where law enforcement records indicate that the incidence of crime is high.

- (4) The Planning Commission shall determine that the foregoing requirements have been satisfied, and further, that the benefits of the proposed family personal care home are greater than any possible depreciating effects and damages to neighboring properties. In conducting this balancing test, the merit of the specific proposal shall be determined by evaluating the nature of the clientele (i.e. elderly, mentally retarded, etc.), the proposed number of occupants, and the nature of the operators of the facility (homeowners, professional staff, or untrained supervisory staff, etc.).
- (i) Club (private or public), lodge (nonprofit), golf course, country club, tennis facilities, privately owned and operated recreational facility, swimming pool, fishing lake, or similar recreational use subject to the following criteria:
  - (1) The minimum size tract for a golf course or country club shall be fifty (50) acres.
  - (2) A tract to be developed as a golf course or country club shall have at least one hundred (100) feet of frontage on a public or private road.
  - (3) Structures except fences and walls shall be set back at least fifty (50) feet from property lines separating the property from contiguous properties zoned or developed for residential use.
  - (4) Lighting shall be designed so that adjacent properties are not adversely affected.
  - (5) Outdoor activities shall cease at 11:00 P.M.
  - (6) Lounges, clubhouses, and similar facilities shall be designed and operated for use by members and their guests, or patrons who are using the club or recreational facility. Lounges, clubhouses and similar facilities shall be located at least one hundred (100) feet from contiguous properties zoned or developed for residential use.
  - (7) DELETED.
  - (8) A plan illustrating compliance with the above requirements shall be submitted to the Staff of the Augusta Planning and Development Department before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed club, privately owned and operated recreational facility, swimming pool, fishing lake, or similar recreational use are greater than any possible depreciating effects and damages to the neighboring properties.
- (j) Funeral homes subject to the following criteria:
  - (1) A tract upon which a funeral home is to be established shall have at least one hundred (100) feet of frontage on a collector street or an arterial street and be at least one acre in area.
  - (2) Structures shall be set back at least twenty-five (25) feet from any property line separating the subject property from residentially zoned or developed properties.
  - (3) Off-street parking shall conform to Section 4 of this Ordinance.
  - (4) DELETED.

- (5) A plan illustrating compliance with the above requirements shall be submitted to the Staff of the Augusta Planning and Development Department before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed funeral home are greater than any possible depreciating effects and damages to neighboring properties.
- (k) Private hospital subject to the following criteria:
  - (1) A tract upon which a private hospital is to be established shall have at least two hundred fifty (250) feet of frontage on a collector or an arterial street and be at least five acres in area.
  - (2) DELETED.
  - (3) Off-street parking shall conform to Section 4 of this Ordinance.
  - (4) Private hospitals shall not be located in areas where the health, safety, and welfare of the patients would be compromised. Examples of such areas would be those near industrial sites or other sites where environmental quality would be poor, and also areas where law enforcement records indicate that the incidence of crime is high.
  - (5) A plan illustrating compliance with the above requirements shall be submitted to the Staff of the Augusta Planning and Development Department before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed hospital are greater than any possible depreciating effects and damages to the neighboring properties.
- (l) Airport or aircraft landing field.
- (m) Cemetery.
- (n) Sanitary Landfill
- (o) Inert Fill Area
- (p) Uses which would in any way involve detained persons, or persons who would be or have been retained from correction facilities such as halfway homes, or similar uses that in any way relate to corrections or incarceration.
- (q) Excavation of mineral deposits including but not limited to stone, sand, clay, gravel, and operations incidental thereto may be permitted subject to the following criteria:
  - (1) Evidence that a Mined Land Use Plan, pursuant to 391-3-3-05 of the Georgia Environmental Rules, is being prepared for submission to Georgia E.P.D. No mining activity may be conducted without an approved Mined Land Use Plan.
  - (2) Submission of a plat prepared by a Georgia Registered Land Surveyor at the time of the application showing conformance to the following spacing requirements:

(a) No activity under this Subsection shall be conducted within 300 feet of a residence

(b) No activity under this Subsection shall be conducted within 100 feet of an R-zone boundary unless a consent form provided by the Planning Commission and signed by the affected property owners is provided with the application.

(c) No activity under the Subsection shall be conducted within 50 feet of any property line unless a consent form provided by the Planning Commission and signed by affected property owners is provided with the application.

(3) Submission of supporting data at the time of application indicating that the impacts of the proposed activity including but not limited to noise, vibration, dust, stormwater, groundwater and aesthetics will not substantially diminish the quality of life of the surrounding community. This data may be part of the Mined Land Use Plan or it may be a separate submission.